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June 5, 2023

VIA ECF

The Honorable Gregory H. Woods, U.S.D.J.
U.S. District Court, Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *Anacacy v. DRC Group, Inc. et al*
Case No.: 1:22-cv-04239-GHW

Dear Honorable Judge Woods:

This law firm represents plaintiff Steve Anacacy (the “Plaintiff”) in the above-referenced matter.

Pursuant to Your Honor’s Individual Motion Practice Rule I(E), this letter respectfully serves as a renewed request for a global extension of time of the briefing schedule on Defendants’ motion to dismiss, as follows:

1. Plaintiffs’ opposition to the motion to dismiss to be filed on or before June 28, 2023; and
2. Defendant’s reply to the motion to dismiss to be filed on or before July 5, 2023.

This is the second request of its kind, and is made on consent of Defendants Beverage Container Recycling Corporation, DRC Group, Inc., Alex Doljansky, and Gard Recycling, Inc., (collectively, the “Defendants”).

By way of relevant background, the parties appeared before Your Honor for a pre-motion conference on April 13, 2023. [See Dckt. No. 50]. At the April 13, 2023 Conference, the Court directed Defendants to file and serve their motion on or before June 9, 2023. The Court further directed Plaintiff to serve their opposition no later than three (3) weeks thereafter, and further directed Defendants to serve their reply no later than one (1) week after Plaintiff’s opposition. [Id.].

Defendants subsequently filed his motion on May 24, 2023. [Dckt. Nos. 51-52].¹

At the April 13, 2023 conference, the Court also referred the action to Court-annexed mediation. [Id.]. The parties currently have a virtual mediation scheduled in the above-referenced matter on June 21, 2023 at 10:00 a.m. The parties are hopeful that they will be able to secure a

¹ The motion was never served, pursuant to the directives in Your Honor’s April 13, 2023 Order. [Dckt. No. 50].

global resolution of the above-referenced action, obviating the need for further motion practice, or Court intervention.

On or around May 15, 2023 (*i.e.*, after the April 13, 2023 conference), the undersigned first made commitments, necessitating overseas travel from June 1, 2023 to, through and including, June 17, 2023. Thus, at the date and time of the April 13, 2023 conference, the undersigned's unavailability during this time was not anticipated.

If granted, this request would not extend the initially contemplated briefing schedule, had Plaintiff filed and served his motion on or before June 9, 2023 (*i.e.*, on the final day set by the Court).

In light of the circumstances, the undersigned respectfully requests an extension of the existing briefing schedule on Defendants' motion to dismiss. The undersigned appreciates and values the Court's attention to the foregoing.

We thank the Court for its attention to this matter, and are available at the Court's convenience to answer any questions related to the foregoing.

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